

REMARKS

The present Amendment amends claims 1, and 8-10, cancels claim 3 and leaves claims 2, and 4-7 unchanged. Therefore, the present application has pending claims 1, 2 and 4-10.

Claims 1, 2 and 10 stand rejected under 35 USC §102(e) as being anticipated by Fujimoto (U.S. Patent Application Publication No. 2004/0221105 A1). This rejection is rendered moot being that claims 1 and 10 and the claim which depend from claim 1, namely claim 2, were amended to include the subject matter recited in claim 3 which was indicated by the Examiner as being allowable over the prior art of record. Therefore, claims 1, 2, and 10 are now allowable over the prior art of record. Accordingly, reconsideration and withdrawal of the 35 USC §102(e) rejection of claims 1, 2 and 10 is respectfully requested.

Applicants acknowledge the Examiner's indication in paragraph 6 of the Office Action that claims 4-9 are allowed. Amendments were made to claims 8-10 to place them in independent form so as to permit them to be allowed by the Examiner. Therefore, claims 4-9 are allowable as indicated by the Examiner.


Applicants also acknowledge the Examiner's indication in paragraph 7 of the Office Action that claim 3 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. As noted above, the subject matter of claim 3 was placed into claims 1 and 10, thereby making claim 1, claim 2 which depends on claim 1 and claim 10 allowable

In view of the foregoing amendments and remarks, applicants submit that claims 1, 2 and 4-10 are in condition for allowance. Accordingly, early allowance of claims 1, 2 and 4-10 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (1309.43768X00).

Respectfully submitted,

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